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SUBJECT: PRT KIRKUK: ORDER TO HASTEN RETURN OF PROPERTY
THAT SADDAM CONFISCATED

This is a Kirkuk Provincial Reconstruction Team (PRT) message.

11. (SBU) Summary: The Article 140 committee in October approved Order #6 to return land in parts of Kirkuk to its mostly Turcoman original owners. The decision potentially relieves the backlogged Commission for the Resolution of Real Property Disputes (CRRPD) of nearly a third of its caseload, although it has since languished in the Prime Minister's office awaiting final approval. The delay in returning lands Saddam expropriated has become increasingly inflammatory in Kirkuk and the Order is a step in the right direction.

Order To Help Restore Seized Property

12. (U) The Article 140 Committee during a meeting in early October 2007 approved what is known as Order #6. This order rescinds the expropriation of two areas of Kirkuk, Tasaaen and Hamza Lee, which were originally inhabited by Turcomen and taken during the Saddam era. The Order restores the property to its original owners and forgives any previous payment or compensation that was in some cases given to owners for their expropriated property. Allegedly this represents 30% of the Commission for the Resolution of Real Property Disputes (CRRPD)'s Kirkuk caseload; the CRRPD reportedly is displeased with Order #6 and its head threatened to resign over it. The Order since October has awaited Prime Minister Maliki's final approval.

13. (U) The CRRPD, the successor to the Iraq Property Claims Commission (IPCC), is an independent GOI agency, answering to the Council of Ministers, that adjudicates claims to property the former regime expropriated. Through the CRRPD, victims may have their properties reinstated to them or receive compensation if their properties are in public use. The property's current owners receive compensation as well. Although all groups suffered expropriations, most of the victims in Kirkuk province were Turcomen, who were disproportionately large landholders.

Comment

14. (SBU) The backlog of unprocessed disputed property cases before the CRRPD is a sore point in Kirkuk and exacerbates communal tension. As of 8 November (the most recent data available to the PRT), CRRPD offices in Kirkuk has received approximately 35,800 cases, begun adjudicating 6,800, and fully adjudicated only 2,418. Some cases have languished for years, and Kurds and Turcomen who have not seen justice done through the legal system are tempted to extralegal action.

To facilitate the orderly resolution of property claims stemming from the previous regime,s policies, the Council of Ministers should give the CRRPD additional staff and resources, in addition to job security by hiring them as permanent GoI staff - they are currently contract employees, so working faster would put them out of a job.

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